

REMARKS

Upon entry of the present amendment, Claims 1-20 are pending in the application, of which claims 1, 9, 19 and 20 are independent. Applicant has added new claims 19 and 20 herein.

The above-identified Office Action has been reviewed, the references carefully considered, and the Examiner's comments carefully weighed. In view thereof, the present Amendment is submitted. It is contended that by the present amendment, all bases of rejection set forth in the Office Action have been traversed and overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

After careful consideration of the objections and rejections set forth in the Office Action, applicant respectfully submits that as amended, all claims patentably distinguish over the art of record, and requests allowance of all pending claims, as discussed further below.

In the Claims:**Claim rejections – 35 USC 112**

In the above-identified Office Action, claims 2, 3, 5, 6, 8, 10, and 11 were rejected under 35 USC 112, second paragraph, as indefinite as a result of the use of the terms "can be" and "may be". The applicant has amended these claims herein to replace these terms and to more definitely recite the inventive subject matter. By these amendments, the rejections under 35 USC 112, second paragraph are obviated, and it is respectfully requested that the rejections be withdrawn.

Claim rejections – 35 USC 103

The Examiner has rejected claims 1-16 and 18 under 35 USC 103(a) as being unpatentable over Konno et al. (US PA Publication 2003/0024754 A1) in view of Shouji et al (FR 2802889). With respect to claims 1 and 9, the Examiner notes that Konno discloses a motorcycle having an antitheft locking mechanism L, remote control T, receiver R, a controller C, and a locking release mechanism A that unlocks the mechanism by operation of a dedicated key, but does not disclose a lock cover. The Examiner notes that the use of a lock cover, since it is disclosed by Shouji, is known in the art, and thus it would have been obvious to use such a cover for the lock disclosed by Konno.

Upon review of Konno, the applicant notes that Konno discloses a remote control system for enabling and disabling the mechanical locking mechanism by means of a hand-held remote control transmitter, and further includes a mobile communication terminal for use in receiving control signals for use in those cases when the remote control transmitter is lost or unavailable. These remote systems are provided so that the lock actuator can be operated and controlled easily without a key (paragraph 18). Konno does disclose use of the ignition key for as a switch for the ignition system, and discloses the ignition key cylinder to be operable with the handle locking mechanism L so that the handle locking mechanism is locked when the ignition key is removed from the ignition key cylinder (paragraph 47). Konno further discloses unlocking the handle locking mechanism L using the ignition key through operation of the actuator A (paragraph 59).

The applicant respectfully asserts that the applicant's invention is quite distinct from the disclosure of Konno. For example, Konno does not disclose a key and key cylinder dedicated to the handle locking mechanism that is independent of the ignition key and cylinder. Instead,

Konno teaches away from any manual access of the handle locking mechanism, using mobile communications technology to transfer control signals to the system during a situation in which the remote control device is unavailable. In contrast, note that the applicant does not disclose an ignition key at all, but instead relies on the remote technology for ignition, and uses a manual key only for emergency access to the anti-theft locking system.

The applicant further asserts that Konno does not disclose the applicant's inventive feature in which a handle locking mechanism is manually unlocked through rotation of a key within the key cylinder due to a direct mechanical connection between the key cylinder and the locking mechanism, independent of the electrical control system. In contrast, Konno discloses the ignition key being electrically linked to the lock actuator A via power distribution circuit 8, as clearly shown in FIG. 2.

As further regards claims 1 and 9, the Examiner cites Shouji to teach a locking mechanism covered with a cover member of the vehicle. The applicant notes that Shouji et al. disclose a remotely activated ignition lock cover to selectively prevent access to the ignition key cylinder. According to the EPO's English language translation of the abstract, the cylinder is fixed behind the bodywork. The applicant concedes that mounting an ignition cylinder in the body of the vehicle is known. However, the applicant respectfully disagrees that Shouji teaches or suggests covering a locking release mechanism for an anti-theft locking mechanism with a cover member of the vehicle, as recited by the applicant.

In view of the above described substantive differences between the applicant's invention and the disclosures of the cited references, Claims 1 and 9 have been amended herein to more clearly recite these differences. For example claim 1 is amended herein to recite "a locking

release mechanism that bypasses the controller and mechanically unlocks the locking mechanism by manual operation of a dedicated key in a vehicle." This feature is clearly not disclosed by the references, individually or in combination, and is supported by the applicant's specification in paragraph 40. Claim 9 is amended herein to recite "a locking release mechanism independent of an ignition system of the motorcycle including a dedicated key that unlocks the locking mechanism by manual operation of the dedicated key." This feature is clearly not disclosed by the references, individually or in combination, and is supported by the applicant's specification in paragraphs 45-49.

By the amendments to claims 1 and 9 herein, claims 1 and 9 have been put into allowable condition.

As regards claims 3, 8, 11 and 18, the applicant respectfully disagrees with this rejection. The Examiner states that the location and orientation of the key cylinder as recited by the applicant is merely a matter of design choice. However, as clearly described in the applicant's specification, by positioning the key cylinder so that the key must be inserted upward from beneath, the key cylinder is positioned so as to not be immediately recognized as such by a thief, and the locking system provides that much more protection. In other words, by obscuring the location of the key cylinder, the anti-theft protection of the vehicle is improved.

The Examiner has rejected claim 17 under 35 USC 103(a) as being unpatentable over Konno et al. in view of Shouji et al, in further view of Mori et al (US 6,237,710). With respect to this claim, the Examiner states that Konno and Shouji teach an antitheft device for use with a

steering handle, but do not disclose that it can be used with a seat of a motorcycle. The Examiner states that Mori teaches that using an antitheft device with a seat of a motorcycle is old in the art.

The applicant has amended claim 17 herein to recite that "the remote control provides means for selectively controlling the seat independently of the anti-theft locking mechanism." Although the applicant agrees that Mori teaches use of an antitheft device with a motorcycle seat, the applicant respectfully asserts that Mori does not disclose a remote control switch having separate controls for the seat and the steering lock mechanism. In fact, Mori teaches streamlined antitheft system in which a single main switch, or a single transmitter, controls both the steering lock and the seat lock (col 1, lines 53-64).

Other Matters

New independent claims 19 and 20 have been added to the application. Claim 19 is directed to a motorcycle and is written in Jepson format to clearly recite a vehicle having both an ignition key and a second key dedicated for use in the locking mechanism of an antitheft device. Claim 20 is directed to an anti-theft device and clearly recites the direct mechanical connection between the key cylinder and the locking mechanism. As discussed above, the features recited in the new claims are not disclosed or suggested by the cited prior art references, alone or in combination. All new claims are fully supported by the specification, and no new matter has been added to the application.

Conclusion

Based on all of the foregoing, applicant respectfully submits that all of the objections and rejections set forth in the Office Action are overcome, and that as presently amended, all of the

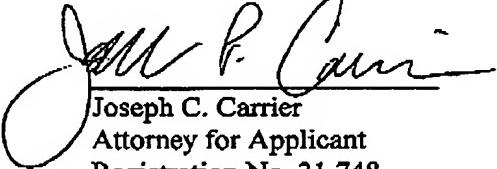
pending claims are believed to be allowable over all of the references of record, whether considered singly or in combination. Applicant requests reconsideration and withdrawal of the rejection of record, and allowance of the pending claims.

If the Examiner is not fully convinced of all of the claims now in the application, applicant respectfully requests that he telephonically contact applicant's undersigned representative to expeditiously resolve prosecution of the application.

The Commissioner is hereby authorized to charge the \$200.00 fee for one independent claims in excess of three to Deposit Account 50-0744 in the name of Carrier, Blackman & Associates, P.C. A duplicate copy of this sheet is enclosed

Favorable consideration is respectfully requested.

Respectfully submitted,

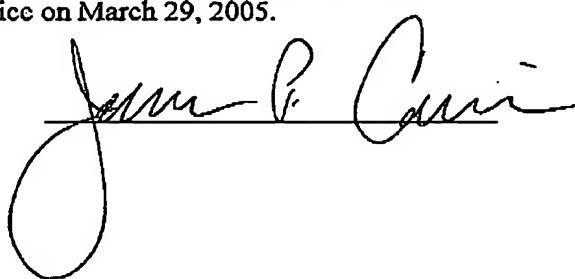

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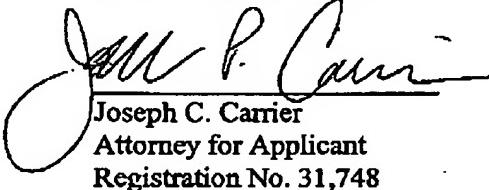
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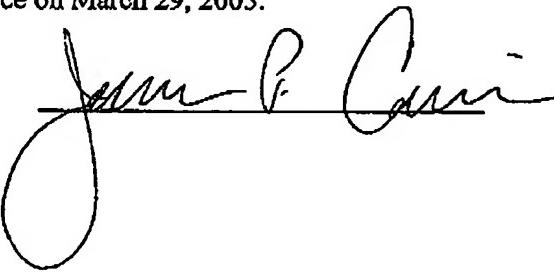
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